

REMARKS

Claims 1-5, 7-15, 17-24, 26-33 and 35-42 are pending. The pending claims 1-5, 7-15, 17-24, 26-33 and 35-38 have been selectively amended. New Claims 39-42 have been added.

The pending claims in their entirety stand rejected under 35 U.S.C. §103(a) over the article entitled "Color SuperHistograms for Video Representation" by Dimitrova (Dimitrova) in view of U.S. Patent 5,805,733 to Wang (Wang). Withdrawal and reconsideration of the rejection are respectfully requested for the following reasons.

The Examiner's attention is requested to MPEP 2142, wherein it is stated:

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

Applicants respectfully submit that the Office has not established a *prima facie* of obviousness. The Office has not correctly pointed out where each claimed element and limitation of the claims is found in the cited references.

In particular Claim 1 recites, among others, the following:

"wherein said representative images of each superhistogram include at least one of the first image in each family histogram, a randomly chosen image, and an image that is closest to a center of each family of histograms"

Dimitrova does not teach selecting a representative keyframe image, as recited by Claim 1. To cure this deficiency, the Examiner contends that in column 3, lines 37-66 Wang teaches using a representative keyframe as recited by Claim 1. The Examiner is incorrect, with all due respect.

Wang discloses that a scene detector is operative to identify disparate related scenes. Each scene includes a plurality of frames or images and, thus, corresponds to a family of histograms, as recited by Claim 1. The scenes are further time ordered to define a set, which, in turn, corresponds to a superhistogram as recited by Claim 1 of the present application. Furthermore, a movie bar including a plurality of superhistograms is created.

"The user may then select ... any number of scenes for viewing in their entirety... ." Col. 3, lines 49-52

Wang further teaches that each set or superhistogram may be represented by a single frame. "[A] representative frame for a set of summarized scenes (*superhistogram*) is taken from temporally **medial scene** in the set; alternatively, it can be taken as of one of the frames of the longest scene (*family*) of the set, the longest scene being most indicative of the content of the related scenes." Col. 3, lines 57-62. Emphasis added.

Accordingly, contrary to the Examiner's contention, col. 3, lines 37-66 of Wang does not teach or suggest "at least one of **the first image in each family histogram**, a randomly chosen image, and an image that is closest to a center of each family of histograms " as recited by Claim.

Wang teaches that "for each set of related scenes, a representative frame is taken, either as the medial frame from **the entire time duration of the related scenes** or as **the first frame of the medial scene in the set.**" Wang, abstract. In other words, Wang teaches that a **single frame** - first frame of the medial scene or histogram of a superhistogram - is the representative frame.

In contrast, Claim 1 recites that "said representative keyframe images ... include **the first image in each family histogram.**" As recited by Claim 1, a superhistogram includes several families. Accordingly, in the application, each of the families, which are ordered to form a superhistogram, is represented by a first frame, whereas the superhistogram is, thus, represented by as many **first frames** as there are families, not just a single first frame of the median scene or histogram, as taught by Wang.

Furthermore, Wang does not teach or suggest "an image that is closest to **a center of each family of histograms**", as recited by Claim 1. In contrast, Wang teaches that a representative frame can be selected from "the frame Fmid that is midpoint of **all scenes**" or "the middle frame of the longest scene in each set." Wang, col. 6, lines 8-25. The midpoint of **all scenes or families** of each set is not the same as a center of **EACH FAMILY**, as recited by Claim 1, and neither is the middle frame of the **single longest scene**.

Next, applicants respectfully submit that Wang has no teaching at all in regard to a **randomly selected** representative frame, as required by Claim 1.

Thus, applicants respectfully submit that claim 1 is patentable over a combination of cited references because it recites at least one element or limitation not taught or suggested by either of the cited references alone or in combination.

Independent Claims 11, 21 and 30, and 39 recite similar limitations and, as a consequence, are patentable over the cited combination, too.


The rest of the pending claims selectively depends on respective independent claims 1, 11, 21 and 30 and are patentable for at least the same reasons as the independent claims.

New claims 39-42 recite that the most significant frame representing a superhistogram includes a person's face and/or an important text. Wang neither teaches nor suggests the recited limitations.

The specification has been amended to provide a brief description of United States Patent Application No. 09/116,769 (U.S. Patent 6,473,095) that is part of the present specification. All the terminology used in the pending claims, as amended, is fully supported by the above-indicated patent. Accordingly, no new matter has been incorporated. Thus, the application and claims are believed to be in condition for allowance, and favorable action is respectfully requested.

If any issues remain which may be resolved by telephonic communication, the Examiner is respectfully invited to contact the undersigned at the number below, if such will advance the application to allowance.

Respectfully submitted,

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